

Remarks/Arguments:

Petition for Three (3) Months Extension

The shortened period for response in the above-referenced application expired on January 28, 2004. Applicant submits herewith a petition requesting a three (3) month extension of time and the corresponding fee, thereby extending the period for response to April 28, 2004.

Office Action

In response to the Office Action mailed on October 28, 2003, please amend this patent application as set forth above and reexamine the application in view of these amendments and the following remarks.

Claim Status

Claims 1-18 and 20-29 stand rejected. Applicant herein cancels claims 1, 7, 9-11, and 16-28 without prejudice; amends claims 2-6, 8, 12-15, 29 and 30; and adds new claims 31-47. Support for the amended and newly added claims is found throughout the specification and, specifically, at page 12, line 1 - page 14, line 20; page 17, line 7 - page 18, line 24; page 24, line 10-page 25, line 5; page 27, line 4 - page 28, line 10; and page 53, line 15 - page 63, line 12 of the application as originally filed. No new matter has been added.

The Office Action states that claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's recognition of allowable subject matter.

Rejections for Nonstatutory Double Patenting

The Double Patenting section of the Office Action recites that claims 1, 14, 17, and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 14, and 17-21 of U.S. Patent No. 6,389,337. Claims 1, 17, and 18 have been cancelled thereby obviating the rejection of these claims. In addition, claim 14 now depends from newly added claim 36, which

includes at least one limitation that is not claimed in U.S. Patent No. 6,389,337, namely storing a data set from at least one global network based data processing resource for delivery to an in-vehicle device and communicating the stored data set to the in-vehicle device when communication with the in-vehicle device is established. Since no claims in U.S. Patent No. 6,389,377 are directed to storing data, Applicant contends that the rejection of claim 14 for nonstatutory double patenting should be withdrawn.

Rejections Under 35 U.S.C. § 112

The Claim Rejections - 35 U.S.C. § 112 section of the Office Action recites that claims 15 and 16 recite the same limitation. Although claims 15 and 16 do not, in fact, recite the same limitation, Applicant has amended claim 15 and deleted claim 16 thereby obviating the rejection. Accordingly, Applicant contends that the rejection of claim 15 under 35 U.S.C. § 112 should be withdrawn.

Rejections Under 35 U.S.C. §§ 102 and 103

The Claim Rejections - 35 U.S.C. § 102 section of the Office Action recites that claims 1-4, 6-8, 10-14, and 22-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,408,232 to Cannon (hereinafter "Cannon"). In addition, claims 5, 9, 15, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon in view of U.S. Patent No. 5,732,074 to Spaur (hereinafter "Spaur") in the Claim Rejections-35 U.S.C. § 103 section. Claims 1, 7, 9-11, and 16-28 have been cancelled without prejudice, thereby obviating the rejection of these claims.

Cannon is directed to a vehicle communication system in which vehicle operational statistics are tracked and maintained in a centralized vehicle computer database. A wireless piconet transceiver is mounted in the vehicle and a complimentary fixed wireless piconet transceiver is mounted in a garage, service station, or police squad car for communication of the vehicle operational statistics stored on the centralized vehicle computer to the garage, service station, or police squad car.

Spaur is directed to a mobile, portable wireless communication system. In Spaur, information is transferred between a vehicle and one or more remote stations using an established network such as the Internet. The system is implemented using standardized network communication links to enable users to obtain information while avoiding design complexities associated with interfacing a remote site with the vehicle device.

Newly added independent claim 31 includes limitations that are not included in the cited art. Specifically, claim 31 is directed to a communication interface device for managing communications between an in-vehicle device and at least one global network based data processing resource remote to the vehicle that includes the following features:

- a transceiver configured to establish communication with said in-vehicle device;

- at least one communication interface configured to establish communication with said at least one global network based data processing resource;

- a memory interconnected with said transceiver and said at least one communication interface; and

- a controller located remote to the vehicle, said controller interconnected with said transceiver, said at least one communication interface, and said memory, said controller configured to store in said memory at least one of:

- (i) a first data set from said in-vehicle device received via said transceiver for delivery to one of said at least one global network based data processing resource via said at least one communication interface until communication is established between said at least one communication interface and said one of at least one global network based data processing resource; and

- (ii) a second data set from said at least one global network based data processing resource received via said at least one communication interface for delivery to said in-vehicle device via said transceiver until communication is established between said transceiver and said in-vehicle device.

The art of record is devoid of any teaching or suggestion of a communication interface device having a memory interconnected with a transceiver and at least one communication interface and a controller located remote to the vehicle that is interconnected with the memory, where the controller is configured to store in the memory (i) a first data set from an in-vehicle device received via the transceiver for delivery to the global network data processing resource via the communication interface until communication is established between the communication interface and the at least one global network data processing resource and/or (ii) a second data set from the global network based data processing resource received via the communication interface for delivery to the in-vehicle device via the transceiver until communication is established between the transceiver and the in-vehicle device.

This feature enables the communication interface device to store data communicated to it by the global network based data processing resource or the in-vehicle device until such time as the in-vehicle device or the global network based data processing resource, respectively, is available to receive the communication. For example, and not as a limitation, a global network based data processing resource could initiate a command to stop a vehicle equipped with an in-vehicle device. The command could then be stored in a plurality of communication interface devices until the desired vehicle comes into wireless communication proximity of any one of the communication devices. At such time, the command can be data communicated to the in-vehicle device and the vehicle stopped. See page 10, line 25 through page 11, line 9 of the application as originally filed.

As set forth in MPEP § 2143 ("Basic Requirements of *Prima Facie* Case of Obviousness"), prior art references when combined must teach or suggest every claim limitation:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success, finally the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As set forth in MPEP § 2143-03 ("All Claim Limitations Must Be Taught or Suggested"):

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 49f.2d981, 180 U.S.P.Q. 580 (CCPA 1974) "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424f.2d1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970).

The art of record fails to disclose, teach, or suggest all claim limitations of newly added independent claim 31, namely a memory interconnected with a transceiver and at least one communication interface and a controller located remote to the vehicle which is interconnected the memory and is configured to store in the memory at least one of (i) a first data set from the in-vehicle device received via a transceiver for delivery for one of the at least global network based data processing resource via the at least one communication interface until communication is established between the at least one communication interface and the global network based data processing resource or (ii) a second data set from the global network based data processing resource received via the communication interface for delivery to the in-vehicle device via the transceiver until communication is established between the transceiver and the in-vehicle device. Therefore, newly added independent claim 31 is patentable over the art of record.

Newly added independent claim 36 includes steps (limitations) that are not included in the art of record. Specifically, claim 36 is directed to a method for managing communications between an in-vehicle device within a vehicle and at least one global network based data processing resource remote to the vehicle that includes the following steps:

establishing communication with said in-vehicle device;

establishing communication with one of said at least one global network based data processing resources;

storing a data set from said one of at least one global network based data processing resource for delivery to said in-vehicle device; and

communicating said stored data set to said in-vehicle device
when communication with said in-vehicle device is
established.

The art of record is devoid of any teaching or suggestion of establishing communication with an in-vehicle device and at least one global network based data processing resource where a data set from the global network based data processing resource is stored for communication to the in-vehicle device when communication is established with the in-vehicle device. This provides similar advantages to the ones described above with reference to newly added independent claim 31. Since the art of record fails to teach or suggest all claim limitations, namely storing a data set from one a global network based data processing resource for delivery to an in-vehicle device and communicating this stored data when communication with the in-vehicle device is established, newly added claim 36 is patentable over the art of record.

Newly added independent claim 39, while not identical to claim 36, includes patentable features similar to claim 36. Accordingly, claim 39 is also patentable over the art of record for the reasons set forth above that claim 36 is patentable.

Dependent claims 2-6, 8, 12-15, 29, 30, 32-35, 37, 38, and 40-47 each depend, either directly or indirectly, from one of newly added independent claims 31, 36, and 39 and include all of the features of the independent claim from which they ultimately depend. Thus, claims 2-6, 8, 12-15, 29, 30, 32-35, 37, 38, and 40-47 are also patentable over the art of record for at least the reasons set forth above that the independent claim from which they depend is patentable.

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Amendment Dated April 28, 2004
Reply to Office Action of October 28, 2003

USE-661US

Conclusion

Accordingly, Applicant requests consideration of the amended and newly added claims. Applicant contends that the claims now pending are in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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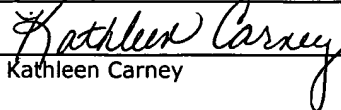
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

April 28, 2004


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